

31



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,372	08/08/2001	Thomas I. Rogan	67,010-005; H2602-FN	2154
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CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			EXAMINER BAYAT, BRADLEY B	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/924,372	ROGAN ET AL.	
	Examiner	Art Unit	
	Bradley B. Bayat	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

This communication is in response to arguments filed on October 12, 2005. Claims 1-23 remain pending.

Response to Arguments

Applicant's arguments filed on the date noted above have been fully considered but they are not persuasive.

Applicant argues that there is no prima facie case for obviousness because there is no motivation for making the proposed combination (response p.1). In support of this argument, applicant cites Savino et al. column 4, lines 17-35 and 45-47. Id. In particular, applicant contends that Savino teaches that information associated with a barcode "is only entered by the customer in order to ensure reliability of such information." Id. Savino provides an invention to include a single identifier between buyers, sellers or other third parties in order to efficiently streamline and coordinate a transaction process. Applicant's disclosure states:

[0005] In general terms, this invention is a system for electronically handling transactions. A system designed according to this invention includes the use of a transaction identifier that identifies a transaction. A tracking module includes status information regarding the transaction and links that information to the identifier. The tracking module updates the status information during stages of the transaction. The tracking module provides access to the status information to a plurality of users such that a user of the system can automatically access the status information (i.e., using the internet or wireless technology) simply by using the transaction identifier.

[0006] In one example, the transaction identifier comprises a single bar code representing a number. The transaction identifier preferably includes information identifying a customer, a purchaser order number and a shipment release number. The status information regarding the transaction includes things such as a shipper identifier, an invoice number, customer receipt information and payment information.

[0007] A method of this invention includes several steps. A transaction identifier is established for use during all stages of the transaction. The transaction identifier is electronically stored such that the identifier and information associated with that identifier is remotely accessible by a plurality of users. Supplier information is linked with the transaction identifier. Purchaser information is linked with the transaction identifier. Status information indicating the status of the transaction during a corresponding phase of the transaction is updated during the various stages of the transaction. The status information is linked to the transaction identifier.

Art Unit: 3621

[0008] Accordingly, utilizing a single transaction identifier allows a plurality of users to obtain information regarding the status of a transaction. Additionally, a system designed according to this invention facilitates the plurality of users providing information to the system so that the system can automatically update the status information consistent with the completion of the various stages of the transaction.

[0009] The various features and advantages of this invention will become apparent to those skilled in the art from the following description of the currently preferred embodiment. The drawings that accompany the detailed description can be briefly described as follows.

Sandhu et al. discloses the purpose of the invention as:

[0008] It is an object of the present invention to create a system for ordering, tracking (both inventory and orders) and shipping goods from a buyer to a seller.

[0009] It is another object of the present invention to provide a method in which a buyer or purchaser can monitor the processing of purchase orders with third party logistics suppliers to enable buyers to efficiently and cost-effectively schedule personnel and equipment for use. This also allows buyers to modify purchase orders based upon the representations of third party logistics suppliers to ensure that appropriate amounts of the products that are the subject of the purchase orders are maintained at all times.

[0010] The present object is accomplished by creating an enterprise resource planning ("ERP") system to integrate buyers, sellers, suppliers, and third party logistics suppliers ("3PL's") business practices into a single, coherent system. The ERP keeps track of purchase orders, shipping, and inventory to ensure that a buyer receives the goods or services requested from a seller in a timely and efficient manner. The ERP also is used by the seller to forecast and maintain inventory levels to ensure that adequate supplies of inventory are available to cover future orders.

[0011] Buyers are allowed to monitor a seller's web server to receive updates as to the status of buyer's purchase orders. The seller's web server is in communication with the third party logistic supplier's website that is updated regularly with information about the status of purchase orders. Buyers can instantaneously receive information to properly schedule personnel and equipment for use of the product that is the subject of the purchase order, resulting in higher efficiency and cost savings. In addition, this monitoring allows buyers to modify purchase orders by increasing or decreasing the amount of product purchased as a function of their monitoring of the status of purchase orders.

Therefore, applicant's argument combining the references "would require violating the intentions of the Savino et al. reference" is clearly erroneous (response p.2). Both inventions are motivated to streamline and provide for a single source of updating and monitoring coordination of shipping and receiving while at the same time ensuring accuracy and efficiency. Obviousness can be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of

Art Unit: 3621

ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., information associated with the bar code is not entered only by the customer) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). For instance, by pointing to a portion in Savino that does not reflect the scope and objective of the invention cannot show nonobviousness and does not teach away from the scope and object of Sandhu as purported by applicant (response p.2).

Applicant's arguments are unpersuasive and the rejection is maintained and made **FINAL**.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6-15, 17 and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Savino et al., (Savino, 6,015,167) in view of Sandhu et al., US 2002/0116241 A1 (hereinafter Sandhu).

As per claims 1, 6, 7, 10-15, 17 and 20-23, Savino discloses a method and system of electronically handling transactions, comprising the steps of: establishing a transaction identifier that is used during all stages of an order-to-cash trading cycle; electronically storing the transaction identifier such that the identifier is remotely accessible by a plurality of users; linking supplier information with the transaction identifier; linking purchaser information with the transaction identifier (columns 3-4, figures 1, 4, 5 and associated text. Although Savino discloses an embodiment wherein “a customer or supplier can easily access shipping and receiving status information pertaining to purchase orders and parts shipped (column 5, lines 18-21), it does not explicitly disclose updating status information indicating the status of the transaction during a corresponding phase of the transaction and linking the status information to the transaction identifier.

Sandhu, however, teaches a method in which a purchaser can monitor the updated status of each purchase order with suppliers to track various phases between the order and delivery process (¶8-12, 16-32). Sandhu further teaches an interrelated modular method and system of creating, tracking, processing, monitoring, tracking and shipping orders between sellers and buyers used to update shipping orders, track inventories, forecast future purchase orders, update information regarding distribution of orders and access information to properly plan for utilizing

Art Unit: 3621

the ordered product in an efficient and cost-effective manner (§30-32). Sandhu teaches the use of and ERP and EDI modular software mechanism to seamlessly and automatically integrate and link information with regards to the various phases of the purchase-order process between a buyer and supplier (§17-22). It would have been obvious for one of ordinary skill in the art at the time of the invention to combine and utilize Sandhu's ERP system to coordinate shipping and receiving information by integrating, updating and tracking the status of various phases during a purchase order transaction to ensure accuracy and efficiency as per the objectives of Savino.

2. Savino further discloses the method of claim 1, including automatically providing at least selected portions of the information linked to the transaction identifier to a user (column 2, lines 21-35).

3. Savino further discloses the method of claim 1, including providing at least selected portions of the information linked to the transaction identifier to a user responsive to the user accessing the transaction identifier (column 2, lines 21-35; figure 3 and associated text).

8. Savino further discloses the system of claim 7, wherein the transaction identifier comprises a single bar code representing a number (figure 3, 5 and associated text).

9. Savino further discloses the system of claim 8, wherein the transaction identifier includes information identifying a customer, a purchase order number, shipment release number and packing slip number (column 4, lines 1-35, figure 3, 5 and associated text).

Claims 4, 5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Savino and Sandhu as applied to claim 1 above and in further view of “The Role of Electronic Commerce Technologies in Just-In-Time Replenishment” by Robert Johnston and Ruby Lee (hereinafter Johnston, ISBN 0-8186-7862-3/97) published in 1997.

As per claims 4, 5, 16, Savino discloses a method of electronically handling transactions, comprising the steps of: establishing a transaction identifier that is used during all stages of an order-to-cash trading cycle; electronically storing the transaction identifier such that the identifier is remotely accessible by a plurality of users; linking supplier information with the transaction identifier; linking purchaser information with the transaction identifier (columns 3-4, figures 1, 4, 5 and associated text. Although Savino discloses that an embodiment wherein “a customer or supplier can easily access shipping and receiving status information pertaining to purchase orders and parts shipped (column 5, lines 18-21), it does not explicitly disclose updating status information indicating the status of the transaction during a corresponding phase of the transaction and linking the status information to the transaction identifier.

Sandhu, however, teaches a method in which a purchaser can monitor the updated status of each purchase order with suppliers to track various phases between the order and delivery process (¶16-32). It would have been obvious for one of ordinary skill in the art at the time of the invention to combine and utilize Sandhu’s ERP system to coordinate shipping and receiving information by integrating, updating and tracking the various phases during a purchase order transaction to ensure accuracy and efficiency as per the objectives of Savino.

Art Unit: 3621

Although Savino and Sandhu do not explicitly disclose a payment mechanism for their electronic commerce purchase and shipping process disclosed, Johnston teaches how automatically determining and facilitating payment from a customer to a supplier can be accomplished responsive to a selected portion of the transaction (§3-7.2). It would have been obvious for one of ordinary skill in the art at the time of the invention to automatically pay a supplier via an EFT, EDI or any electronic commerce payment system known in the art upon confirmation of receipt as taught by Sandhu in order to eliminate the accounts payable function and promote efficient, cost effective and timely coordination of the purchase order process from order to payment. In fact, Johnston's 1997 overview of electronic commerce order taking, production planning and payment process used by the automotive industry is strikingly similar to Savino and Sandhu's barcode generation and tracking process with the added feature of an automatic payment mechanism in order to eliminate the accounts payable function.

Claims 18-19 are directed to a computer readable medium of the above claimed subject matter and is correspondingly rejected as above.

Although the Examiner has pointed out particular references contained in the prior art(s) of record in the body of this action, the specified citations are merely representative of the teachings in the art as applied to the specific limitations within the individual claim. Since other passages and figures may apply to the claimed invention as well, it is respectfully requested that the applicant, in preparing the response, to consider fully the entire references

Art Unit: 3621

as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Patent No. 6,505,094 B2 to Pape et al.
- Patent No. 6,529,797 B2 to Williams et al.
- "Leveraging Traditional EDI Investment Using the Internet: A Case Study."
- "Recent Trends in Logistics and the Need for real-Time Decision Tools in the Trucking Industry."
- A Practical Approach to Web-Based Internet EDI."

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 3621

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley B. Bayat whose telephone number is 571-272-6704. The examiner can normally be reached on Tuesday - Friday 8 a.m.-6:30 p.m. and by email: bradley.bayat@uspto.gov. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached regarding urgent matters at 571-272-6712.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:


Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(571) 273-8300 - Official communications; including After Final responses.

(571) 273-6704 - Informal/Draft communications to the examiner.

Bradley B. Bayat, Esq.
December 23, 2005


Primary Examiner
AU 3621